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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/286,679	04/01/99	SHIRANI	R VN418RI

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WM51/1108

EXAMINER

TON, D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED:

11/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

NW

Office Action Summary

Application No.

09/286,679

Applicant(s)

Shirani

Examiner

DANG TON

Group Art Unit

2732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-52 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-13 and 16-28 is/are allowed.
- ☒ Claim(s) 14-15 and 29-52 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14,29,31,32,40,41, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. In view of Andruzzi et al.(4,580,276).

Yang et al disclose station-to-station full duplex communications in a communication network comprising:

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placing **first** data **pulses** onto the physical medium the first data pulses indicating a first **protocol capability** of the first source/sink (see column 2, lines 16-26);

receiving the first data pulses in the second data source/sink (see column 1, lines 27-35);

transmitting onto the physical medium from the second data source/sink, wherein the second data pulses indicate the first protocol capability when the second data source/sink has the first protocol capability, wherein the second data pulses indicate when the second data source/sink has the second capability (see column 3, lines 16-68);

detecting whether the second signal indicate the first protocol capability or the second protocol capability (see abstract and column 3, lines 16-68);

establishing communication with the second data source/sink using the protocol if the second data indicate the first protocol capability and using the second protocol if the second data indicate the second protocol capability (see abstract); and

the physical medium being twisted pair (see figure 1).

Yang et al disclose all the subject matter of the claimed invention with exception of using data pulses in a communications network. Andruzzi et al from the same or similar field of

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endeavor teaches a provision of data pulses. Thus, it would have been obvious to the person having ordinary skill in the art at the time of the invention to use data pulses as taught by Andruzzi et al in the communications network of Yang et al for the purpose of making the system more reliable.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nags et al. In view of Andruzzi et al.

Nags et al disclose a communication network comprising:
receiving over the physical medium (see figure 3);
determine whether the first data indicate; (see figure 3);
selectively outputting second data in response to the first data, wherein the second data are output if the second data source/sink operates in accordance with the first communication protocol capability (see details of figure 5); and

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preventing output of the second data if the second data source/sink does not operation in accordance wit the first communication protocol capability (see ACK signal of figure 3).

Nags et al disclose all the subject matter of the claimed invention with the exception of using data pulses in a communications network. Andruzzi et al from the same or similar field of endeavor teaches a provision of data pulses. Thus, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use data pulses as taught by Andruzzi et al in the communications network of Nags et al for the purpose of making the system more reliable.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 30, 33-39 and 42-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al in view of Andruzzi et al as applied to claims 14, 29, 31, 32, 40, 41 and 52 above, and further in view of Spinney)5,305,306).

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Yang et al disclose all the subject matter of the claimed invention with the exception of the information being stored in a table and data being video, telephone, token, ethernet, or non-ethernet data in a communications network. Spinney et al from the same or similar field of endeavor teaches a provision of video data, telephone data, token ring data, ethernet or non-ethernet data, x.25, or FDDI data and star topology, (see figure 1a, 4 and column 3, lines 1-34). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the video, telephone, token, ethernet or non-ethernet data and ring topology, star topology or non-star topology or taught by Spinney et al in the communications network of Yang et al for the purpose using multi-type protocols in the network and makes the system more flexible.

5. Claims 1-13 and 16-28 are allowed.

6. Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

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7. Any inquiry concerning this communication should be directed to Dang Ton at telephone number (703) 305-4739.

DT/ayc

October 23, 2000

**DANG TON
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to be 'Dang Ton', written in a cursive style.